

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**MARK McEVOY, JAMES TAWNEY,  
SUSAN TAWNEY, SAMUEL STARK,  
SUSAN DENNISON, MARK GOFF,  
CAROL DELROSSO, and GEORGE  
DELROSSE, individually and on behalf  
of a proposed class,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 5:22-CV-171  
Judge Bailey**

**DIVERSIFIED ENERGY COMPANY PLC,  
DIVERSIFIED GAS & OIL, PLC,  
DIVERSIFIED PRODUCTION, LLC,  
DIVERSIFIED GAS & OIL CORPORATION,  
DIVERSIFIED OIL AND GAS LLC,  
ALLIANCE PETROLEUM CORPORATION,  
EQT PRODUCTION COMPANY,  
EQT PRODUCTION HTW, LLC,  
EQT ENERGY LLC,  
EQT INVESTMENT HOLDINGS, LLC,  
EQT GATHERING, LLC,  
EQM MIDSTREAM PARTNERS LP,  
EQT MIDSTREAM PARTNERS LP,  
EQT GP HOLDINGS, LP, and  
EQT CORPORATION,**

**Defendants.**

**ORDER**

Pending before this Court is Diversified Defendants'<sup>1</sup> Motion to Stay Discovery [Doc. 45] and EQT Defendants'<sup>2</sup> Joinder in Diversified Defendants' Motion to Dismiss and Motion to Stay [Doc. 46], both filed on September 29, 2022.

This Court will **GRANT** EQT Defendants' Joinder in Diversified Defendants' Motion to Dismiss and Motion to Stay [**Doc. 46**].

In the Motion to Stay, the Diversified Defendants seek to stay discovery until the Motion to Dismiss is resolved because if it is granted, the matter will be disposed of in its entirety. In support, the Diversified Defendants assert that "permitting discovery while the motion is pending would allow Plaintiffs to obviate the careful administrative structure established by West Virginia statute and the Office of Oil and Gas for resolving disputes related to the alleged failure to plug or fill natural gas and oil wells, in addition to prematurely exposing Diversified Defendants to burdensome and unnecessary discovery." See [Doc. 45 at 1–2].

Seeing as the Motion to Dismiss was filed yesterday, this Court does not know whether or not it will grant or deny the pending Motion to Dismiss. Thus, this Court sees no reason to put a halt on discovery. Thus, the Diversified Defendants' Motion to Stay Discovery [**Doc. 45**] is **DENIED**.

It is so **ORDERED**.


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<sup>1</sup> Diversified Defendants are: Diversified Energy Company PLC, Diversified Gas & Oil, PLC, Diversified Production LLC, Diversified Gas & Oil Corporation, Diversified Oil and Gas, LLC, and Alliance Petroleum Corporation.

<sup>2</sup> EQT Defendants are: EQT Production Company; EQT Production HTW, LLC; EQT Energy, LLC; EQT Investment Holdings, LLC; EQT Gathering, LLC; EQM Midstream Partners LP; EQT Midstream Partners LP; EQT GP Holdings, LP; and EQT Corporation.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** September 30, 2022.

  
**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**